



Division of
Enforcement

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VIA EMAIL (Failla NYSDChambers@nysd.uscourts.gov)

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: *U.S. Commodity Futures Trading Commission v. CTI Group, LLC, et al.*,
12 CV 3754 (KPF) – Proposed Order Permitting Non-Party Depositions by
Remote Means**

Dear Judge Failla:

We represent the Plaintiff U.S. Commodity Futures Trading Commission in the above matter. By this letter, we respectfully request that the Court permit remaining non-party depositions to be conducted by remote means and extend the discovery schedule for this limited purpose. Counsel for Defendants consents to this request.

Following a conference on July 24, 2013, the Court issued an Order requiring the Plaintiff to produce certain documents to the Defendants, which the Defendants requested during the conference, and permitting the parties to conduct discovery through September 24, 2013. Since the Order was issued on July 24, 2013, Plaintiff has produced documents to the Defendants as required by the Order, and has taken non-party depositions in Delaware and Illinois. In addition, Plaintiff noticed three non-party depositions for August 28, 29, and 30, 2013, to be taken in Los Angeles, but adjourned those depositions based upon opposing counsel's representation that Defendants agreed to settlement parameters previously proposed by the Plaintiff. To date, however, the settlement has not yet been finalized.

Plaintiff also intends to notice depositions of non-parties located in Idaho, North Carolina, Missouri, Oregon, and Colorado.

In light of budgetary restrictions on governmental travel, Plaintiff respectfully requests, pursuant to FRCP 30(b)(4), that the Court permit remaining third-party discovery to be conducted by remote means. Permitting depositions by remote means would allow the parties to take remaining non-party depositions in this case while at the same time conserving governmental recourses that would otherwise be expended on extensive cross-country travel.

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We request an extension of the discovery deadline, to October 11, 2013, for the limited purpose of conducting remaining non-party depositions by remote means.

This is the first request for an extension of any discovery deadlines, and the request does not impact on the summary judgment briefing schedule set by the Court's July 24, 2013 Order. For these reasons, Plaintiff respectfully requests that the Court enter the enclosed Proposed Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Stephen Painter, Jr.", with a stylized flourish at the end.

R. Stephen Painter, Jr.

cc: Brooks Marshall, Esq. (by email)
Evan Mandel, Esq. (by email)